

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

THEIA TECHNOLOGIES LLC, an
Oregon domestic limited liability company,
Plaintiff,

Case No:

v.

JURY DEMAND

THEIA GROUP, INC., a Delaware
corporation, **and THEIA HOLDINGS A,
INC.**, a Delaware corporation,
Defendants.

VERIFIED COMPLAINT

Plaintiff THEIA TECHNOLOGIES LLC (“Theia Technologies” or “Plaintiff”) alleges as follows against Defendant THEIA GROUP, INC. (“Theia Group”) and Defendant THEIA HOLDINGS A, INC. (“Theia Holdings”) (collectively, “Defendants”), on personal knowledge as to Plaintiff’s own activities and on information and belief as to the activities of others, as follows:

NATURE OF THE CASE

1. This is an action for trademark infringement, false designation of origin, and unfair competition under the Lanham Act (codified at 15 U.S.C. § 1051, *et seq.*); and common law trademark infringement and unfair competition.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a) in that the case involves a federal question arising under the trademark laws of the United States.

3. This Court has supplemental jurisdiction over Theia Technologies’ state law claims pursuant to the provisions of 28 U.S.C. § 1338(b) insofar as the claims are joined with a substantial and related federal claim arising under the trademark laws of the United States. *See* 15 U.S.C. § 1051 *et seq.*

4. This Court has personal jurisdiction over Theia Group at least because Theia Group's principal place of business is in the State of Pennsylvania, Theia Group has substantial contacts in the State of Pennsylvania related to the claims in this action, and/or Theia Group is engaged in the wrongful acts alleged herein in the State of Pennsylvania.

5. This Court has personal jurisdiction over Theia Holdings at least because Theia Holding's principal place of business is in the State of Pennsylvania, Theia Holdings has substantial contacts in the State of Pennsylvania related to the claims in this action, and/or Theia Holdings is engaged in the wrongful acts alleged herein in the State of Pennsylvania.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) and (2).

PARTIES

7. Plaintiff Theia Technologies LLC is an Oregon limited liability company with its principal business address at 29765 SW Town Center Loop W., Ste. 4, Wilsonville, OR 97070.

8. Defendant Theia Group, Inc. is a Delaware corporation with its principal business address at 1600 Market Street, Ste. 1320, Philadelphia, PA 19103.

9. Defendant Theia Holdings A, Inc. is a Delaware corporation with its principal business address at 1600 Market Street, Ste. 1320, Philadelphia, PA 19103.

10. Defendant Theia Group, Inc. and Defendant Theia Holdings A., Inc. are related entities. On information and belief, Theia Holdings A, Inc. is a 100% wholly owned and controlled subsidiary of Theia Group, Inc.

STATEMENT OF FACTS COMMON TO ALL COUNTS

Theia Technologies' Marks

11. Theia Technologies sells lenses and related software throughout the United States, Asia, the European Union, the Middle East, Africa, South America, Australia, Russia, and Eastern Europe.



12. Theia Technologies' lens technology and related software has multiple applications, including high altitude drones and balloons, space and weather monitoring, security, and surveillance applications. For example, Theia Technologies' lens technology is currently used on the Hyabusa II spacecraft flown by the Japanese Space Agency JAXA, and Theia Technologies has a lens flown by NASA on their Global Hawk drone to monitor weather events. Theia Technologies' lenses can be used on satellites and are also used in the security and surveillance fields.

13. Theia Technologies' lens technology is used by multiple industries, including the transportation industry; the security industry; and the science industry for wildlife monitoring, coral reef monitoring, and unmanned aerial vehicles.

14. Theia Technologies owns the following marks (the "THEIA Marks"):

Mark	Goods/Services
THEIA U.S. TM Reg. No. 4,834,657 Registered: October 20, 2015 FUC Date: October 5, 2010	IC 009. US 021 023 026 036 038. G & S: downloadable mobile applications for calculating image resolution and simulating pictures; downloadable software in the nature of a mobile application for use in association with closed circuit TV systems for security and surveillance; lens calculating software for analyzing data to calculate resolution.
THEIA U.S. TM Reg. No. 3,473,019 Registered: July 22, 2008 FUC Date: November 20, 2007	IC 009. US 021 023 026 036 038. G & S: Photographic devices, namely, lenses; optics, namely, lenses.

15. Theia Technologies also owns the following United States trademark registrations for the blue ring on its lenses (the “Blue Ring Marks”):

Mark	Goods/Services
 <p>U.S. TM Reg. No. 4,524,463 Registered: May 6, 2014 FUC Date: January 15, 2008</p>	<p>IC 009. US 021 023 026 036 038. G & S: Photographic devices, namely, cameras, and viewfinders; cameras; video cameras; security cameras; infrared cameras; multiframe view cameras; multiple purpose cameras; digital cameras; security devices, namely, robotic eyes, robotic sensors, and mobile surveillance devices in the form of cameras and sensors; video graphics equipment, namely, video cameras; video graphics equipment, namely, video surveillance cameras; photographic devices, namely, lenses; optics, namely, lenses.</p>
 <p>U.S. TM Reg. No. 3,707,108 Registered: November 3, 2009 FUC Date: January 15, 2008</p>	<p>IC 009. US 021 023 026 036 038. G & S: Photographic devices, namely, cameras, and viewfinders; cameras; video cameras; security cameras; infrared cameras; multiframe view cameras; multiple purpose cameras; digital cameras; security devices, namely, robotic eyes, robotic sensors, and mobile surveillance devices in the form of cameras and sensors; and video graphics equipment, namely, video cameras; video graphics equipment, namely, video cameras; photographic devices, namely, lenses; optics, namely, lenses.</p>

16. Theia Technologies also owns European Union registrations for THEIA, EUTM Filing No. 010012466 and EUTM Filing No. 013314869, and has applied to register THEIA in other foreign jurisdictions.

17. Theia Technologies also utilizes a blue logo:



18. Theia Technologies owns a website, <https://www.theiatech.com/>, through which Theia Technologies markets and offers its goods and services under the THEIA Marks, the Blue Ring Marks, and the blue THEIA logo.

19. Theia Technologies has used its trademarks, including the THEIA Marks and the Blue Ring Marks, continuously in connection with the advertising, promotion, and sale of its products since at least each mark's "FUC" (first use in commerce) date set forth in the charts above.

20. On account of its long and continuous use of its marks and sale of its products under its marks, Theia Technologies has established trademark rights in its marks.

21. Through its promotional efforts, business conduct, and continuous use of its marks, Theia Technologies has developed and maintains customers throughout the United States. Theia Technologies' marks, including the THEIA Marks, have become an asset of substantial value as a symbol of Theia Technologies and its products.

Theia Group and Theia Holdings

22. On or about November 15, 2016, Theia Holdings applied to the Federal Communications Commission (FCC) to launch and operate a 112-satellite network.

23. Defendants own at least two websites, <https://theiagroupinc.com/> and <https://theianetwork.com>, through which Defendants market this satellite network under the mark THEIA.

24. Defendants use the mark THEIA on their websites.

25. According to their websites, Defendants and their "aerospace partners are building the world's first satellite constellation designed specifically to digitize the entire earth continuously, in visible and non-visible wavelengths."

26. On their websites, Defendants dub this satellite network “The Theia Satellite Network (TSN).”

27. According to Defendants’ websites, “[t]he first deployment of the TSN consists of 112 satellites that capture visible, non-visible, and radar remote sensing imagery and data over the whole earth at once, at ground resolutions as small as 25 centimeters.”

28. According to Defendants’ websites, “[w]hen the TSN is fully deployed, THEIA will host thousands of applications on its platforms for companies and governments. . . . With the TSN, these proven applications will scale to the entire world at once, including” applications such as agriculture, first responder and emergency services, infrastructure, insurance, compliance and risk, nation-state security, mapping and transportation, property registry, and natural resources.


29. Defendants’ websites encourage “qualified interested parties” to obtain “[a]dditional information” about Defendants’ THEIA satellite network “by visiting our contact page below.” The contact page provides an email address, info@theiagroupinc.com, and states, “FURTHER INFORMATION IS AVAILABLE FOR QUALIFIED, INTERESTED PARTIES.”

30. A document titled *Technical Narrative Theia Satellite Network*, filed with Theia Holdings’ application for Defendants’ satellite network, describes the proposed network as “an integrated Earth observation and communications network designed to provide unique remote sensing and communications products and services to a variety of users in the United States and worldwide,” which will “incorporate remote sensing, signal processing and communications payloads” and is “designed to collect, process, and deliver remote sensing information products directly to end users on demand.” This document goes on to state that the satellites “include sensors which capture: continuous visible (day) and medium wavelength infra-red (night) still and video imagery,” and that the network’s “products and services will be of significant economic and

social value to individual, commercial and government users in industries including, but not limited to, basic Earth and atmospheric sciences, agriculture, natural resources exploration, development and management, insurance, infrastructure protection, and support of economic and physical security.”

31. According to publicly available information, the FCC approved Theia Holdings’ application for the THEIA satellite network in or around May 2019.

32. Theia Group has applied to register the following THEIA trademarks (the “Infringing THEIA Marks”):

Marks	Goods/Services
<p>THEIA U.S. Appl. Ser. No. 87/954,755 § 1(b), intent-to-use</p> <p>T THEIA & design  U.S. Appl. Ser. No. 87/954,776 § 1(b), intent-to-use</p>	<p>IC 009. US 021 023 026 036 038. G & S: Satellite hardware, namely, computer hardware, satellite receivers, satellite dishes, satellite transceivers, electronic data sensors, remote sensors for use in measuring and monitoring activity taking place on, above and below the earth's surface, and associated software for controlling the aforementioned hardware for collecting, processing, analyzing and reporting data, and backhauling data from another orbiting constellation of satellites, which replaces some or all of the need for the constellation satellites to downlink directly to earth on their own; modules, namely, computer memory, and integrated circuit modules for backhauling data from another orbiting constellation of satellites, where the aforementioned replaces some or all of the need for the constellation satellites to downlink directly to earth on their own</p> <p>IC 042. US 100 101. G & S: Remote electronic monitoring via operation and use of satellite equipment using computers and sensors for the analysis of data via visible and non-visible electromagnetic wavelengths, such that materially all of the available wavelengths and/or spectrum necessary to perform subsequent analytics tasks are obtained at once, and/or at a rate faster than the underlying activity rate of the industry, activity or process being observed; spectral analysis of data via visible and non-visible electromagnetic wavelengths and data analysis for commercial, agricultural, geologic, energy and industrial fields, and for monitoring and identifying and differentiating activity, objects and/or living beings, taking place on, above and/or below the</p>

	earth's surface, especially where the quality of the analytics are sufficient to replace human decision making
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33. Theia Group has also registered and applied to register THEIA internationally based on its pending U.S. trademark applications, which have been cited against Theia Technologies in its own foreign application efforts, affecting Theia Technologies' ability to control its rights in the THEIA Marks.

34. Although the Infringing THEIA Marks were applied for as intent-to-use, Defendants are now using the THEIA word mark on their websites and are using a modified version of the blue "T" from its T THEIA & design mark in conjunction with their websites. Further, both Infringing THEIA Marks were used by Defendants in their successful efforts to obtain FCC approval for their THEIA satellite network.

35. Defendants' use of the Infringing THEIA Marks, on their websites and elsewhere, is use of the Infringing THEIA Marks in interstate commerce or, at the very least, is use analogous to trademark use

36. From the publicly available information described above, it is evident that Defendants use the Infringing THEIA Marks in conjunction with satellites that utilize lenses, applications that analyze data, and for applications and in industries that are the same as or substantially similar to the applications and industries for which Theia Technologies uses the THEIA Marks, the Blue Ring Marks, and its blue THEIA logo.

37. From the publicly available information described above, it is evident that Defendants use the Infringing THEIA Marks with goods and services offered to an expansive customer base, including governments, aerospace, and even individuals, and that this customer base is the same as or substantially similar to Theia Technologies' customer base for its products under the THEIA Marks, the Blue Ring Marks, and its blue THEIA logo.

Theia Technologies' Notice of Infringement

38. On August 8, 2019, Theia Technologies sent Theia Group a letter notifying Theia Group of Theia Technologies' registrations for the THEIA Marks and the Blue Ring Marks, as well as its blue THEIA logo, and requesting further information about the Infringing THEIA Marks.

39. At the time of Theia Technologies' letter, Defendants did not have a website, and/or Defendants' websites were not publicly available.

40. Neither Theia Group nor Theia Holdings have responded to Theia Technologies' letter, despite repeated attempts by Theia Technologies to follow up on the same.

Defendants' Infringement of Plaintiff's Marks

41. Theia Technologies and Defendants are competitors, selling similar goods and services to similar customers through similar marketing channels.

42. Theia Group's word mark, THEIA, is identical to Theia Technologies' registered THEIA word mark.

43. The dominant portion of Theia Group's design mark, THEIA, is identical to Theia Technologies' registered and incontestable THEIA word mark.

44. Defendants' business names, Theia Group and Theia Holdings, incorporate THEIA as the dominant portion.

45. Defendants use a blue "T" logo in conjunction with their website, which is substantially similar to the color blue registered for Theia Technologies' lenses, as well as the color blue used in Theia Technologies' logo.

46. Confusion, including initial interest confusion and reverse confusion, is likely due to the substantially similar nature of the parties' marks.

47. The likelihood of confusion is heightened by Defendants' use of business names that incorporate THEIA as the dominant portion, as well as use of the blue "T" logo.

48. Owing to Theia Technologies' long, continuous, and prior use of the THEIA Marks and the Blue Ring Marks, consumers have come to associate THEIA and the color blue for lens technology with Theia Technologies.

49. Defendants' use of the Infringing THEIA Marks has caused and will continue to cause irreparable harm to Theia Technologies' business, goodwill, and reputation unless and until it is preliminarily and permanently restrained.

COUNT I

Federal Trademark Infringement, 15 U.S.C. § 1114

50. Theia Technologies repeats and realleges each of the allegations contained in paragraphs 1 through 49 of this Complaint is if fully set forth herein.

51. Theia Technologies has continuously used the THEIA Marks in commerce in connection with Theia Technologies' goods and services since at least as early as the FUC dates listed in the charts above and U.S. Trademark Registration No. 3,473,019 is now incontestable.

52. Defendants' unauthorized use in interstate commerce or analogous use of the Infringing THEIA Marks in connection with Defendants' goods and services constitutes infringement of Theia Technologies' trademark rights in the THEIA Marks, misappropriates valuable goodwill developed by Theia Technologies in the THEIA Marks and is likely to cause confusion, mistake, or deception, as well as initial interest confusion and reverse confusion.

53. The likelihood of confusion is amplified by Defendants' use of THEIA in their respective business names, as well as Defendants' use of the color blue when Theia Technologies

is the prior user and registrant of the color blue for lenses as well as the prior user of a blue THEIA logo.

54. Defendants' acts of trademark infringement have caused and are causing great and irreparable harm to Theia Technologies, Theia Technologies' business, reputation, and goodwill, and Theia Technologies' rights to exclusive use of the THEIA Marks, and, unless Defendants are preliminarily and permanently restrained, Defendants' acts will cause further injury and damage, leaving Theia Technologies with no adequate remedy at law.

55. Defendants' acts of infringement have been and are being committed after actual notice and/or notices effectuated by law and are willful and in gross disregard of Theia Technologies' rights.

56. By reason of the foregoing, Theia Technologies is entitled to preliminary and permanent injunctive relief against Defendants, and anyone associated therewith, to restrain further acts of infringement and, after trial or summary judgment, to recover any damages proven to have been caused by reason of Defendants' aforesaid acts of infringement, and to recover enhanced damages and attorneys' fees based upon the willful, intentional, and/or grossly negligent activities of Defendants.

COUNT II

False Designation of Origin and Unfair Competition, 15 U.S.C. § 1125

57. Theia Technologies repeats and realleges each of the allegations contained in paragraphs 1 through 56 of this Complaint is if fully set forth herein.

58. Defendants, by their knowing and intentional unauthorized imitation, adoption, and use of the Infringing THEIA Marks in association with Defendants' goods and services, have and continue to falsely designate their goods and services as being derived or affiliated with those of Theia Technologies, and have and continue to unfairly compete with Theia Technologies.

59. Defendants' use of the Infringing THEIA Marks, as aforesaid, is likely to cause relevant consumers to mistakenly believe that Defendants have an affiliation with Theia Technologies, that Defendants' business is sponsored or approved by Theia Technologies, or that Defendants are otherwise associated with or have obtained permission from Theia Technologies to use the Infringing THEIA Marks in connection with the sale of goods and services by Defendants.

60. The likelihood of such a mistaken belief is amplified by Defendants' use of THEIA in their respective business names, as well as Defendants' use of the color blue when Theia Technologies is the prior user and registrant of the color blue for lenses as well as the prior user of a blue THEIA logo.

61. By engaging in the unauthorized activities described above, Defendants have made, and continue to make, false, deceptive, and misleading statements constituting false representations made in connection with the sale of goods and services distributed in interstate commerce in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Furthermore, in view of Defendants' knowledge of the THEIA Marks, such activities were, and remain, willful and intentional.

62. Defendants' acts of unfair competition and false designation of origin have been and are being committed after actual notice and/or notices effectuated by law and are willful and in gross disregard of Theia Technologies' rights.

63. Defendants' willful and intentional acts of unfair competition and false designation of origin have caused and are causing great and irreparable injury and damage to Theia Technologies' business, goodwill, and reputation in an amount that cannot be ascertained at this

time and, unless preliminarily and permanently restrained, will cause further irreparable injury and damage, leaving Theia Technologies with no adequate remedy at law.

64. Defendants' acts are the proximate cause of such injury and damage.

65. By reason of the foregoing, Theia Technologies is entitled to preliminary and permanent injunctive relief against Defendants, and anyone acting in concert with Defendants, to restrain further acts of unfair competition and false designation of origin and, after trial, to recover any damages proven to have been caused by reason of Defendants' aforesaid acts, and to recover enhanced damages based on Defendants' willful, intentional, and/or grossly negligent acts.

COUNT III **Common Law Trademark Infringement**

66. Theia Technologies repeats and realleges each of the allegations contained in paragraphs 1 through 65 of this Complaint is if fully set forth herein.

67. Theia Technologies was the first to adopt or use the THEIA Marks either within or without the State of Oregon as well as other states and has continuously used the THEIA Marks in commerce in connection with Theia Technologies' goods and services since at least as early as the FUC dates listed in the charts above, and, accordingly, has established common law trademark rights in the THEIA Marks.

68. Defendants' unauthorized use in commerce of the Infringing THEIA Marks in connection with Defendants' goods and services constitutes ongoing infringement of Theia Technologies' common law trademark rights, misappropriates the valuable goodwill developed by Theia Technologies in the THEIA Marks, and is likely to cause or has caused confusion among the relevant consuming public with the THEIA Marks.

69. The likelihood of confusion is amplified by Defendants' use of THEIA in their respective business names, as well as Defendants' use of the color blue when Theia Technologies

is the prior user and registrant of the color blue for lenses as well as the prior user of a blue THEIA logo.

70. Defendants were, or should have been, aware of Theia Technologies' use of and corresponding rights in the THEIA Marks. Defendants' acts aforesaid, including using names, terms, and/or marks that are confusingly similar to the THEIA Marks for identical or substantially similar goods and services, constitutes willful infringement of Theia Technologies' rights in the THEIA Marks.

71. Defendants' acts of willful infringement of Theia Technologies' rights in the THEIA Marks have caused and, unless restrained, will continue to cause great and irreparable injury to Theia Technologies, Theia Technologies' business, and to the goodwill and reputation of Theia Technologies in an amount that cannot be ascertained at this time, leaving Theia Technologies with no adequate remedy at law.

72. Defendants' acts are the proximate cause of such injury and damage.

73. By reason of the foregoing, Theia Technologies is entitled to declaratory and injunctive relief, both preliminary and permanent, against Defendants, and anyone acting in concert with Defendants, to restrain further acts of infringement of Theia Technologies' rights and, after trial, to recover any damages proven to have been caused by reason of Defendants' aforesaid acts of infringement and any enhanced damages justified by the willful and intentional nature of such acts.

COUNT IV **Common Law Unfair Competition**

74. Theia Technologies repeats and realleges each of the allegations contained in paragraphs 1 through 73 of this Complaint as if fully set forth herein.

75. By advertising and marketing its goods and services under the Infringing THEIA Marks, including using the THEIA mark in conjunction with the color blue and using business names that incorporate THEIA, Defendants exploit Theia Technologies' reputation in the market by selling confusingly similar goods and services under confusingly similar marks in a way that suggests that Defendants' goods and services are associated with Theia Technologies, in ongoing violation of the common law.

76. Defendants were, or should have been, aware of Theia Technologies' use of and corresponding rights in the THEIA Marks. Defendants' acts aforesaid constitute willful violation and intentional acts of common law unfair competition.

77. Defendants' willful and intentional acts of common law unfair competition have caused and are causing great and irreparable injury and damage to Theia Technologies' business and its goodwill and reputation in an amount that cannot be ascertained at this time and, unless preliminarily and permanently restrained, will cause further irreparable injury and damage, leaving Theia Technologies with no adequate remedy at law.

78. Defendants' acts are the proximate cause of such injury and damage.

79. By reason of the foregoing, Theia Technologies is entitled to declaratory and injunctive relief, both preliminary and permanent, against Defendants, and anyone acting in concert with Defendants, to restrain further acts of unfair competition and, after trial, to recover any damages proven to have been caused by reason of Defendants' aforesaid acts, and to recover enhanced damages based on Defendants' willful, intentional, and/or grossly negligent acts.

PRAYER FOR RELIEF

WHEREFORE, Theia Technologies asks this Court to enter judgment against Defendants and against Defendants' parents, subsidiaries, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. A judgment or order declaring that Defendants have infringed the THEIA Marks;
- B. A judgment or order declaring that Defendants have engaged in unfair competition and falsely designated the origin of their goods and services;
- C. A determination that Defendants' infringement of the THEIA Marks has been and is willful;
- D. A determination the Defendants' unfair competition and false designation of origin has been and is willful;
- E. Issuance of a preliminary and a permanent injunction enjoining Defendants, their parents, subsidiaries, agents, servants, officers, successors and assigns, related companies, and all others acting in concert with them from:
 - 1. Imitating, copying, using, reproducing, registering, attempting to register, and/or displaying the Infringing THEIA Marks, or any marks or designation which colorably imitates or is confusingly similar to the THEIA Marks, alone or in combination with any other term(s), word(s), name(s), symbol(s), device(s), designation(s), and/or design(s) in any manner whatsoever, including but not limited to in their business names;
 - 2. Using any other false description or representation or any other thing calculated or likely to cause confusion, deception, or mistake in the marketplace with regard to the THEIA Marks;

- F. An order directing that Defendants to recall from any and all channels of distribution any and all products bearing the Infringing THEIA Marks and any advertising or marketing under the Infringing THEIA Marks, and to deliver up for destruction all materials and matter in their possession or custody or under their control that infringe the THEIA Marks or unfairly compete with Plaintiff;
- G. An order directing that Defendants remove all instances of THEIA and T THEIA and design from their websites, promotional materials, social media accounts, and all other materials, tangible or intangible;
- H. An order directing Defendants to expressly abandon all pending U.S. trademark applications for the mark THEIA and any marks incorporating THEIA, including but not limited to Appl. Ser. Nos. 87/954,755 and 87/954,776;
- I. An order directing Defendants to surrender for cancellation all U.S. registrations, if any, for the mark THEIA and any marks incorporating THEIA;
- J. An order directing that Defendants change their business names to ones that do not incorporate THEIA or any confusingly similar designation, and undertake the necessary steps to effectuate such change with all of the proper authorities, including but not limited to the Federal Communications Commission, the Delaware Secretary of State, and the Pennsylvania Secretary of State;
- K. An order directing that Defendants file with the Court and serve upon counsel for Plaintiff within thirty (30) days after the entry of such order or judgment, a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction and all further orders and judgments of the Court;

- L. An award of damages, in an amount to be proven at trial, for Defendants' infringement of the THEIA Marks, the damages including Plaintiff's actual damages, Defendants' profits attributable to the infringement, Plaintiff's costs including a reasonable attorneys' fee, and any enhancements the Court finds reasonable;
- M. An award of damages to compensate for Defendants' unfair competition and false designation of origin in an amount to be proven at trial, including Plaintiff's actual damages and Defendants' profits attributable to the unfair competition, and any enhancements the Court finds reasonable;
- N. An order awarding Plaintiff punitive damages on account of Defendants' willful violations of law;
- O. An order awarding Plaintiff prejudgment and post judgment interest;
- P. An award of Plaintiff's costs and expenses, including, without limitation, reasonable attorneys' fees;
- Q. An order for corrective advertising in a form, manner, and frequency that is acceptable to Plaintiff and the Court; and
- R. All other relief, in law or in equity, to which Plaintiff may be entitled, or which the Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Theia Technologies demands a trial by jury as to all issues so triable in this action.

Dated: January 06, 2020

Respectfully submitted,



Diane Siegel Danoff (PA 50644)

Luke M. Reilly (PA 324792)

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THEIA TECHNOLOGIES LLC

VERIFICATION

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing Verified Complaint is true and correct.

Executed on January 3, 2020.

A handwritten signature in black ink, appearing to read 'Jeff Gohman', written over a horizontal line.

Jeff Gohman

GEKP

CIVIL COVER SHEET

20-CV-97

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

THEIA TECHNOLOGIES LLC

DEFENDANTS

THEIA GROUP, INC., and THEIA HOLDINGS A, INC.,

(b) County of Residence of First Listed Plaintiff Clackamas County, OR
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) Attorneys (Firm Name, Address, and Telephone Number)

DECHERT LLP

Cira Centre, 2929 Arch St., Philadelphia, PA 19104-2857
(215) 994-4000

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

15 U.S.C. 1051 et seq.
Brief description of cause
Trademark Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

01/06/2020

SIGNATURE OF ATTORNEY OF RECORD

Diana Siegel Danoff

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

JAN - 6 2020

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 29765 SW Town Center Loop W., Ste. 4, Wilsonville, OR 97070

Address of Defendant: 1600 Market Street, Ste. 1320, Philadelphia, PA 19103

Place of Accident, Incident or Transaction: Nationwide, including but not limited to Pennsylvania and Delaware

RELATED CASE, IF ANY:

Case Number _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE 01/06/2020

Diane Siegel Danoff
Must sign here

50644

Attorney-at-Law / Pro Se Plaintiff

Attorney I D # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2 FELA
- ☐ 3 Jones Act-Personal Injury
- ☐ 4 Antitrust
- ☐ 5 Patent
- ☐ 6 Labor-Management Relations
- ☐ 7 Civil Rights
- ☐ 8 Habeas Corpus
- ☐ 9 Securities Act(s) Cases
- ☐ 10 Social Security Review Cases
- ☒ 11 All other Federal Question Cases
(Please specify) _____ Trademark _____

B. Diversity Jurisdiction Cases:

- ☐ 1 Insurance Contract and Other Contracts
- ☐ 2 Airplane Personal Injury
- ☐ 3 Assault, Defamation
- ☐ 4 Marine Personal Injury
- ☐ 5 Motor Vehicle Personal Injury
- ☐ 6 Other Personal Injury (Please specify) _____
- ☐ 7 Products Liability
- ☐ 8 Products Liability Asbestos
- ☐ 9 All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

Diane Siegel Danoff

_____, counsel of record or pro se plaintiff, do hereby certify

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs

☒ Relief other than monetary damages is sought

DATE 01/06/2020

Diane Siegel Danoff
Sign here if applicable

JAN - 6 2020

50644

Attorney-at-Law / Pro Se Plaintiff

Attorney I D # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

THEIA TECHNOLOGIES, LLC, an Oregon limited
liability company, :

v. :

THEIA GROUP, INC., a Delaware corporation, and
THEIA HOLDINGS A, INC., a Delaware corporation :

CIVIL ACTION

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NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (x)

Date

1/6/20

Attorney-at-law

215-994-2222

Theia Technologies, LLC

Attorney for

diane.danoff@dechert.com

Telephone

FAX Number

E-Mail Address